



ఆంధ్రప్రదేశ్ రాజ పత్రము
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AMARAVATI, WEDNESDAY, SEPTEMBER 28, 2022

G.878

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**ADDITIONAL SENIOR CIVIL JUDGE'S COURT,
TENALI.**

INSOLVENCY PETITION No. 39 of 2021

Between :

Kollipara Ratnakara Rao, S/o.Amara Lingam, Hindu, aged about 48 years, Cultivation, R/o.D.No.3-100A, Peddapalem village, Duggirala Mandal, Guntur District.

...Petitioner

And

1. Jonnakuti Ramarao, S/o.Satyanarayana, Hindu, aged 47 years, Malaria Doctor, R/o.D.No.2-101, Atmakuru village, Mangalagiri Mandal, Guntur District.
2. Konduru Srinivasa Rao, S/o.Late Subba Rao, Hindu, aged about 52 years, Cultivation, R/o.1-37/A, Gandhi Statue Bazaar, Peddapalem village, Duggirala Mandal, Guntur District.
3. Guntupalli Eswaramma W/o.Haranadh Prasad, Hindu, aged 65 years, Business, r/o.Peddapalem village, Duggirala Mandal, Guntur District.
4. Swarnala Pardha Saradhi S/o.Adiyya, Hindu, aged about 45 years, Cultivation, r/o.D.No.3-59, Chinnapalem village, Duggirala Mandal, Guntur District.
5. Vasireddy Srikanth S/o.Sakthi Prasad, Hindu, aged about 55 years, Lecturer, R/o.Near Government Hospital, Chenchupet, 10-1-53/23, Tenali Town and Mandal, Guntur District.
6. nadikuditi Venkateswara Rao, S/o.Bhadraiah, Hindu, aged 53 years, Masion Mastri, r/o.D.No.1-120, Near Veterinary Hospital, Peddapalem village, Duggirala Mandal, Guntur District.

7. Tadiboina Peda Ankaiah @ Ankamayya S/o.Sambasiva Rao, Hindu, aged 70 years, Fertilizer Shop, R/o.Perakalapudi village, Duggirala Mandal, Guntur District.
8. Angirekula Radha Krishna S/o.Sambaiah, Hindu, aged 53 years, Hotel Business, R/o.Marri Chettu Center, Perakalapudi village, Duggirala Mandal, Guntur District.
9. Pemmasani Prasad, S/o.Driver Narayana, Hindu, aged 55 years, Mil Collection Center, Peddapalem village, Duggirala Mandal, Guntur District.
10. Neelikonda Prabhakar, S/o.Venkateswarlu, Hindu, aged 45 years, T.V.Mechanic, r/o.D.No.2-53/A, Vinayaka Temple Road, Peddapalem village, Duggirala Mandal, Guntur District.
11. Kothari Manikyamma W/o.Srinivasa Rao, hindu, aged 65 years, House wife, R/o.1-44/A, Gandhi Statue Bazaar, Peddapalem village, Duggirala Mandal, Guntur District.
12. Jemudugani Ramadevi W/o.Raghavendra Rao, Hindu, aged about 38 years, Hotel Business, R/o.D.No.1-95, Peddapalem village, Duggirala Mandal, Guntur District.
13. Jemudugani Raghavendra Rao, S/o.Sambasiva Rao, Hindu, aged about 40 years, Hotel Business, R/o.D.No.1-95, Peddapalem village, Duggirala Mandal, Guntur District.
14. Official Receiver, Guntur, District Court Complex, Guntur Town.
...Respondents

This Insolvency Petition is coming on 20.07.2022 before me for hearing in the presence of Sri R.Narasimha Rao, Advocate for Petitioner and Respondents 1 to 14 remained set exparte, upon hearing and considering the material on record, having stood over for consideration till this day, this Court made the following:

:: O R D E R ::

1. Petitioner filed this insolvency petition under Section 10 of Provincial Insolvency Act, 1920 to declare the petitioner as an **insolvent and for costs.**
2. The brief averments of the petition is as follows:

The petitioner is doing cultivation. The **petitioner** owns B-1 schedule property. The petitioner blessed with two sons. **For the nutrition of his family**, the petitioner used to take the lands of others on lease and raised crops and vegetables in the said lands. To meet the agricultural expenses, and educational necessities to his sons the petitioner borrowed money from the respondents and others and invested them in the agriculture and education of his both the sons. Due to lack of rains and calamities like cyclone and random viral deceases to the crops, the petitioner has been incurring continuous loss in the agriculture. Due to lack of

knowledge in the agriculture and calamities the petitioner sustained heavy loss in the agriculture. At last due to heavy loss the petitioner could not discharge the debts due to the respondents. The liabilities of the petitioner are far exceeding than his assets.

The respondents has been demanding the petitioner to pay the amounts due under promissory notes and hand loans. The petitioner has no capacity or source of income to discharge the debts to the petitioner. Some of the creditors threatened and pressured the petitioner for discharging the debts. Having no other go, the petitioner availed loan an amount of Rs.9,50,000/- from APTAS bank, Koritapadu branch, Guntur by mortgage the B1 schedule property and after receipt of the said amount the petitioner discharged some of the debts. The respondents herein having known about the same are threatening and pressuring the petitioner for discharging the debts. But the petitioner is not in a position to pay the amounts to the respondents as he is sustained heavy loss in the agriculture due to Covid-19 pandemic crisis. But the respondents are making all efforts and threatening the petitioner with dire consequences and all the respondents are harassing the petitioner to pay amount to them. The petitioner did not alienate any of his properties prior to 3 months before filing this petition. The petitioner shows all his properties in B1 to B5 schedules and liabilities in A schedule filed along with the petition. The petitioner did not file similar petition in any Court of law prior to this petition. Hence, this petition.

3. Notices were sent to the respondents 1 to 14, but the respondents 1 to 14 did not choose to make their appearance before this Court to prosecute their case, hence, ultimately they were set exparte, after giving so-many adjournments.

4. On behalf of the petitioner's side, PW1 is examined and no documents are marked.

5. Heard petitioner's counsel. Perused the material available on record.
6. Now the point for determination is:

Whether the petitioner can be adjudicated and to declare as an insolvent as prayed for?

7. **POINT:**

The counsel for petitioner submitted that the petitioner borrowed money from the respondents through hand loan and executed promissory notes in their favour and invest the amounts in the agriculture and for the education of his daughters and the petitioner incurring continuous loss due to lock down and Covid-19 pandemic crisis, sustained heavy loss and failed to pay the amount to the respondents and the respondents have been demanding the petitioner to pay the amount and subsequently the liabilities of the petitioner is far exceeding than his assets and hence, he constrained to file this petition and prays to allow the petition.

8. In support his case, the petitioner himself examined as PW1 who filed his affidavit in lieu of examination-in-chief, wherein he reiterated the contents of his petition and as such, the examination-in-chief of PW1 is true replica of the petition. PW1 in his chief examination deposed that he is not in a position to discharge the debts and he is unable to recover the losses and in additional he was liable to pay the higher rate of interest to his creditors and presently he has no financial capacity and he is leading his life by getting daily wages and except shown in petition 'B1 to B5' schedules and 'A' schedule liabilities and he is depending on the mercy of his kith and kin and relatives for his maintenance and the respondents are threatening him that they will press into service of the blank promissory notes and cheques which are in their possession. The petitioner-debtor contended that he is unable to pay his debts to his creditors, hence, the petitioner-debtor is founded on facts substantially different from those contained in the petition on which the order of adjudication was made. As already stated above notices were sent to the

respondents and also publication made through newspaper, but the respondents did not choose to make their appearance before this Court to prosecute their case, hence, ultimately they were set exparte, after giving so-many adjournments. Hence, the evidence of PW1 is intact, unrebutted and unchallenged.

9. Keeping in view the said circumstances, this Court is of the opinion that the petitioner is entitled for declaring him as an insolvent.

10. In the result, the petition is allowed without costs, petitioner is adjudicating and declaring as an insolvent. The time for discharge is six months. Since there are no movable or immovable properties, there is no need to appoint an official receiver. Office is directed to communicate a copy of this order to the District Collector, Guntur for publication in Official Gazette as per Section 30 of Provincial Insolvency Act, 1920.

(Typed to my dictation by the Personal Assistant, corrected and pronounced the operating portion of the order by me in open Court, this the 3rd day of August, 2022.)

K. VANI,

*Additional Senior Civil Judge,
Tenali.*

**Appendix of Evidence
Witnesses Examined**

For Petitioner:

P.W.1- Kollipara Ratnakara Rao

For Respondents:

- Exparte -

Exhibits Marked

"No documentary evidence is adduced."

K. VANI,

*Additional Senior Civil Judge,
Tenali.*

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